

# Washington University Global Studies Law Review

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Volume 15  
Issue 4 *Symposium: Seventy Years After Nuremberg*

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2016

## La Gendarmería Nacional, Mexico's Inadequate Solution to Drug Cartel Violence

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### Recommended Citation

Daniel Rico, *La Gendarmería Nacional, Mexico's Inadequate Solution to Drug Cartel Violence*, 15 WASH. U. GLOBAL STUD. L. REV. 609 (2016),  
[https://openscholarship.wustl.edu/law\\_globalstudies/vol15/iss4/11](https://openscholarship.wustl.edu/law_globalstudies/vol15/iss4/11)

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# LA GENDARMERÍA NACIONAL, MEXICO'S INADEQUATE SOLUTION TO DRUG CARTEL VIOLENCE

## TABLE OF CONTENTS

I. INTRODUCTION .....	610
II. TWO DIFFERENT MECHANISMS TO REDUCE VIOLENCE:	
AUTODEFENSAS AND LA GENDARMERÍA NACIONAL .....	611
A. <i>Autodefensas</i> .....	611
B. <i>La Gendarmería Nacional</i> .....	613
III. INCOMPATIBLE STRATEGIES OF THE AUTODEFENSAS AND LA GENDARMERÍA NACIONAL.....	615
A. <i>Autodefensas: Protecting Mexican Citizens</i> .....	616
B. <i>La Gendarmería Nacional: Protecting the Mexican         Economy</i> .....	619
IV. TENSION BETWEEN THE AUTODEFENSAS AND THE MEXICAN GOVERNMENT AS A RESULT OF THE INCOMPATIBLE STRATEGIES.	622
A. <i>Tension Between the Government's Desire to Control         Mexico's Security and the Autodefensas' Demand for         Autonomy</i> .....	622
B. <i>Tension Leads to Altercations Between the Autodefensas         and the Mexican Government</i> .....	626
V. THE FRENCH GENDARMERIE NATIONALE: LA GENDARMERÍA'S INSPIRATION FOR REFORM .....	628
A. <i>Mexico's Partial Adoption of the French Gendarmerie         Nationale</i> .....	628
B. <i>Enhancing La Gendarmería: Three Avenues for Reform         Suggested by the French Gendarmerie Nationale</i> .....	629
VI. CONCLUSION .....	630

## I. INTRODUCTION

Since 2006, roughly “100,000 people have died and more than 20,000 have disappeared. . .” in Mexico as a result of drug cartel violence.<sup>1</sup> The Mexican government’s proposed solution to reduce violence is the implementation of a new police force, La Gendarmería Nacional (“La Gendarmería”).<sup>2</sup> Meanwhile, the Mexican people, tired of the perceived government inaction, formed vigilante forces to reduce the violence.<sup>3</sup> As a subset example of the vigilante movement, this Note will focus on the vigilante forces within the Mexican state of Michoacán, known as the “Autodefensas.”<sup>4</sup> The Autodefensas and La Gendarmería differ in their methods to reduce violence. Although both groups’ goal is to reduce violence in Mexico, the difference in approach creates a tension between them. This Note will argue that the Mexican government’s implementation of La Gendarmería is inadequate to reduce drug cartel violence in Mexico because it primarily focuses on protecting the government’s economic reforms which do not address the public’s ongoing oppression under the Templarios Drug Cartel of Michoacán. The discussion of La Gendarmería’s inadequate conduct begins in Part II, which focuses on two mechanisms to reduce violence in Michoacán, the Autodefensas and La Gendarmería. Part III defines the respective violence reduction methods of La Gendarmería and Autodefensas. Part III then demonstrates that the respective methods are incompatible. Part IV emphasizes the conflicts arising out of the tension between the Autodefensas and La Gendarmería. Part V proposes possible reforms for La Gendarmería based on France’s similar police force, the Gendarmerie National (French Gendarmerie).

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1. Anahi Rama, *Mexico Launches Special Police Force to Guard Economic Activity*, REUTERS (Aug. 22, 2014, 4:35 PM), <http://www.reuters.com/article/2014/08/22/mexico-security-idUSL2N0QS12U20140822>.

2. Randal C. Archibold, *Elite Mexican Police Corps Targets Persistent Violence, but Many Are Skeptical*, N.Y. TIMES (Aug. 22, 2014), [http://www.nytimes.com/2014/08/23/world/americas/familiar-flaws-seen-in-mexicos-new-elite-police-force.html?\\_r=2](http://www.nytimes.com/2014/08/23/world/americas/familiar-flaws-seen-in-mexicos-new-elite-police-force.html?_r=2). On August 22, 2014, Mexican President Enrique Peña Nieto inaugurated *La Gendarmería*. *Id.* La Gendarmería is expected to reduce violence by primarily focusing on the protection of Mexico’s economic activity. Rama, *supra* note 1.

3. See Alan Taylor, *Mexico’s Vigilantes*, THE ATLANTIC (May 13, 2014), <http://www.theatlantic.com/infocus/2014/05/mexicos-vigilantes/100734/>.

4. *Id.* Michoacán has been subject to the dominant control of Los Caballeros Templarios (Templarios), a drug cartel in the state. *Id.*

## II. TWO DIFFERENT MECHANISMS TO REDUCE VIOLENCE: AUTODEFENSAS AND LA GENDARMERÍA NACIONAL

Mexico seeks to reduce violence. Two distinct mechanisms arose to reduce the violence in Mexico.<sup>5</sup>

### A. *Autodefensas*

The *Autodefensas* arose in Michoacán as a direct response to the Mexican government's inability to protect the citizens from the *Templarios*, the Mexican drug cartel. The *Autodefensas* are vigilante forces that operate throughout the Mexican state of Michoacán.<sup>6</sup> The drug violence in Michoacán escalated in 2006 as a result of former Mexican President Felipe Calderon's war against organized crime.<sup>7</sup> The *Autodefensas* formed because the Mexican government failed to protect the citizens of Michoacán from the violence and oppression perpetrated by the *Templarios*.

In February of 2013, the *Autodefensas* in the Mexican state of Michoacán began to directly combat the *Templarios*.<sup>8</sup> The *Templarios* dominate the rural areas of Michoacán due to the lack of infrastructure in the state, specifically a legitimate local police force.<sup>9</sup> The *Autodefensas*

5. One mechanism is Michoacán grassroots vigilante forces known as *Los Autodefensas*. The second is a government created police force, *La Gendarmería*. The following part of this Note will identify the differences in the two mechanisms to reduce violence in Mexico.

6. Oscar León, *Mexico's Vigilante Groups Are a Force to Reckon with for Drug Cartels and Army*, THE REAL NEWS (last visited Nov. 3, 2014), [http://therealnews.com/t2/index.php?option=com\\_content&task=view&id=31&Itemid=74&jumival=11417](http://therealnews.com/t2/index.php?option=com_content&task=view&id=31&Itemid=74&jumival=11417). Michoacán is located in the Southwest of Mexico. *Id.* The state is located on the Pacific Coast, which enables its robust agricultural economic activity. *Id.* The strong agricultural background makes the state particularly appealing to drug cartels seeking to make a profit. *Id.* *Autodefensa* is Spanish for "self-defense." A vigilante is defined as "a member of a volunteer committee organized to suppress and punish crime summarily (as when the processes of law are viewed as inadequate). MERRIAM-WEBSTER DICTIONARY (last visited Nov. 1, 2014), <http://www.merriam-webster.com/dictionary/vigilante>.

7. See Rama, *supra* note 1. In 2013, the homicide rate "dropped 13 percent, with 22,732 killings compared with 26,037 the year before, according to the Mexican census agency." Archibold, *supra* note 2. The drop in homicides does not take into account the people who have been kidnapped, extorted, and other "quality-of-life crimes" that are still plaguing Mexico. *Id.* The amount of people missing is 22,322, with 9,790 of the individuals going missing during President Nieto's term. *Id.*

8. *Mexico's Vigilantes*, *supra* note 3. The *Templarios* are dominant in Michoacán, especially in the rural areas of the state. León, *supra* note 6. *Los Templarios* arose out of the fragmentation of the *La Familia* cartel. *Id.* *La Familia* took over Michoacán in 2006. *Id.* They began by importing crystal meth into the United States before becoming wealthy and large enough to take over Michoacán. *Id.* The *Templarios* are reported to make as much as \$74.6 million a year. *Id.*

9. Taylor, *supra* note 3. In fact, many of the local police force members work directly for the *Templarios*. León, *supra* note 6. The absence of a legitimate local police force leaves the citizens of Michoacán completely unprotected from the *Templarios*. GEORGE W. GRAYSON, THREAT POSED BY

formed in the rural areas of Michoacán because of the Templarios' dominance.<sup>10</sup>

The Autodefensas are comprised of common, untrained Michoacán citizens. These citizens are civilians that were former farmers, businessman, and professionals.<sup>11</sup> As a result, the citizens and their families have been the primary victims of the Templarios' violence because of their inability to protect themselves from the Templarios.<sup>12</sup> The citizens lacked the formal police or military training needed to combat the Templarios.<sup>13</sup>

Despite their diverse backgrounds, the Autodefensas are connected through a sense of duty to combat the Templarios. The sense of duty derives from the desire to protect family and friends from the Templarios' violence.<sup>14</sup> Thus, the Autodefensas are committed to combating the Templarios despite the apparent risk of death or injury.<sup>15</sup>

MOUNTING VIGILANTISM IN MEXICO, 14 (2001), available at <http://www.strategicstudiesinstitute.army.mil/pdffiles/PUB1082.pdf>.

10. León, *supra* note 6. The Autodefensas expressed their discontent with the lack of protection when "El Americano," the leader of the Buenavista Autodefensas, stated, "la intención no es matar a Los Templarios, es sólo invitarlos a que dejen Michoacán. El gobierno federal, aseguró, no está haciendo su trabajo." [The goal isn't to kill the Templarios; it is only to invite them to leave Michoacán. The federal government is not doing their job.]. Omar Sánchez de Tagle, *De Templario a Autodefensa en Michoacán*, ANIMAL POLITICO (Feb. 27, 2014, 6:52 AM), <http://www.animalpolitico.com/2014/02/de-templario-autodefensa-en-michoacan/>.

11. *Mexico Legalizes Vigilante Groups in Michoacan, Welcomes Them in Fight Against Drug Cartels*, CBS NEWS (Jan. 28, 2014, 7:59 AM), <http://www.cbsnews.com/news/mexicos-vigilantes-legalized-and-put-under-military-umbrella/>.

12. Tracy Wilkinson & Hector Becerra, *Mexico's Vigilante Movement Has a Strong U.S. Connection*, L.A. TIMES, June 2, 2014, available at <http://www.latimes.com/world/mexico-americas/la-fg-mexico-vigilantes-20140602-story.html>. The direct burden of the violence motivates the Autodefensas to persist in their attempt to combat the Templarios. The Autodefensas estimate that their own forces are comprised of 20,000 men serving the force throughout Michoacán. *Mexico Legalizes Vigilante Groups in Michoacán, Welcomes Them in Fight Against Drug Cartels*, *supra* note 11.

13. Wilkinson & Becerra, *supra* note 12.

14. *Id.* The need to protect the citizens of Michoacán motivates Los Autodefensas to combat the Templarios, despite that lack adequate weapons and combative training. *Autodefensas de Michoacán Vuelven a Tomar Las Armas*, UNIVISION NOTICIAS (Oct. 1, 2014, 10:10 PM), <http://noticias.univision.com/article/2112273/2014-10-01/mexico/noticias/autodefensas-de-michoacan-vuelven-a-tomar-las-armas>.

15. Wilkinson & Becerra, *supra* note 12. The commitment to combat the Templarios is demonstrated by Jorge Vázquez Valencia, founder and spokesman of the Autodefensas in Aguililla. Valencia stated, "Si somos pocos, tendremos que utilizar las armas . . . si toda la gente sale a las plazas es probable que podemos hacerlo con el menor número de muertes posibles" [We are few, we will need to use our weapons . . . if all the people leave the town square we will be able to succeed with few deaths]. *Autodefensas de Michoacán Vuelven a Tomar Las Armas*, *supra* note 14.

### B. *La Gendarmería Nacional*

“La Gendarmería realizará acciones de seguridad para prosperar” [The Gendarmería will act to ensure security].<sup>16</sup> La Gendarmería was a major facet of Mexican President Nieto’s platform during the 2012 Mexican presidential elections.<sup>17</sup> On August 22, 2014, La Gendarmería, at 5000 members, was inaugurated as the new special police force of President Nieto’s government.<sup>18</sup>

La Gendarmería is distinguished from previous corrupt Mexican police forces that were unsuccessful in reducing the violence in Mexico.<sup>19</sup> The inadequate management of the police force was first established under Mexico’s first dictator, José de la Cruz Porfirio Díaz.<sup>20</sup> President Nieto intends to create an uncorrupt police force and identified three factors that distinguish La Gendarmería from previous government police forces.<sup>21</sup> The three factors are: “a structure that is both police and military oriented,” “proximity with the Mexican citizens,” and the “ability to move quickly to wherever it is needed.”<sup>22</sup>

16. José Roberto Cisneros Duarte, *Gendarmería Nacional. Conoce la Nueva Corporación Policiaca en 9 Claves*, mex.CNN MEXICO (Aug. 23, 2014, 6:11 PM), <http://cnnespanol.cnn.com/2014/08/23/nueve-claves-para-entender-la-gendarmeria-el-nuevo-cuerpo-policia-mexicano/>. The statement was made by La Comisión Nacional de Seguridad (CNS) of Mexico. *Id.* Additionally, La Gendarmería is expected to “garantizar la seguridad de la población y sus bienes en rutas de tránsito de insumos y mercancías, de paso de migrantes, de producción agrícola, pesquera y forestal y otras que pudieran encontrarse vulneradas por la delincuencia en zonas rurales o marginadas” [guarantee the security of the population and their safety within the city and agricultural activity in agriculture, fishery, forestry, and any other activity that could be vulnerable to delinquency in the rural zones]. *Id.*

17. Dudley Althaus & José de Córdoba, *Mexico Unveils New Police Force*, WALL ST. J. (Aug. 22, 2014, 3:57 PM), <http://online.wsj.com/articles/mexico-unveils-new-police-force-1408737459>. La Gendarmería was a major part of President Nieto’s “public security strategy during his 2012 presidential campaign.” *Id.*

18. *Id.*

19. Archibold, *supra* note 2. The previous police forces unsuccessfully controlled the level of violence because of corrupt police leaders and politicians that managed the police. *Id.* David Shirk, professor at the University of San Diego who studies crime and policing in Mexico, found that “Mexico lacked standards in its police forces, making advancement largely up to officers’ relations with often corrupt superiors, and political leaders have had few incentives to make long-term efforts to clean up and professionalize local force.” *Id.*

20. Grayson, *supra* note 9. Díaz created a personal guard, the Deadly Rurales, in order to attack his enemies to maintain control of Mexico. *Id.* Díaz’s police force began a subsequent trend of corrupt police forces. *Id.* Following Díaz, the *Partido Revolucionario Institucional* (PRI), a political party that governed Mexico for seventy years, continued the trend of corrupt police forces. *Id.* “The PRI . . . fashioned scores of law enforcement agencies distinguished by their corruption, brutality, and service to the self-described ‘revolutionary party.’” *Id.*

21. *New Police Force in Mexico: The Gendarmerie*, THE YUCATAN TIMES (Aug. 27, 2014), <http://www.theyucatanimes.com/2014/08/new-police-force-in-mexico-the-gendarmerie/>. President Nieto looks to alter the trend of corrupt police forces.

22. *Id.* The success of La Gendarmería, according to President Nieto, will be measured “in terms

The rigorous and competitive officer selection process of La Gendarmería was Mexico's first step to alter the trend of corrupt police forces. According to government officials, the rigorous selection process was established because, "the force . . . was expected to be a 'new model' of corruption-free policing."<sup>23</sup> The competitive process increases the likelihood that the selected officers are committed reducing violence in Mexico.<sup>24</sup> By creating a rigorous and competitive selection process, the Mexican government increases the likelihood that the selected officers are dedicated to serving La Gendarmería's goal to reduce violence.

The highly selective process resulted in a diverse Gendarmería membership that facilitates the creation of a corrupt free police force. As previously mentioned, the government hopes to create "a 'new model' of corruption-free policing."<sup>25</sup> La Gendarmería could benefit from the lack of experience because the new officers are not derived from the unsuccessful police forces.<sup>26</sup> For example, despite the lack of experience, a vast majority of the members have strong educational backgrounds.<sup>27</sup> The combination of young, inexperienced, and educated members of La Gendarmería enables the government to implement and mold a new "corrupt-free" police.

In order to facilitate a corrupt free mentality within La Gendarmería, the Mexican government supplied the force with substantial resources.<sup>28</sup> The Mexican government invested in three notable resources for La Gendarmería: wages, training, and equipment. The first investment was

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of concrete results in the reduction of crime, reopening of businesses and the free movement of people and products." *Id.*

23. Archibold, *supra* note 2. The screening process began with roughly 100,000 applicants seeking to fill 5,000 available positions in La Gendarmería. Joshua Partlow, *Mexico Launches New Police Force to Guard Commerce*, WASH. POST (Aug. 22, 2014), [http://www.washingtonpost.com/world/the\\_americas/mexico-launches-new-police-force-to-guard-commerce/2014/08/22/902d0b04-d5fb-4bfe-bb2e-713198114f4b\\_story.html](http://www.washingtonpost.com/world/the_americas/mexico-launches-new-police-force-to-guard-commerce/2014/08/22/902d0b04-d5fb-4bfe-bb2e-713198114f4b_story.html).

24. *New Police Force in Mexico: The Gendarmerie*, *supra* note 21. The large applicant pool, for very few spaces, created a competitive selection process. In fact, the primary characteristic that the government was looking for in their recruits was "their sense of duty" and ability to "move around and remain for long periods away from their homes." *Id.*

25. Archibold, *supra* note 2. La Gendarmería's "rank-and-file officers are young men and women—the average age is 28—with slightly older commanders drawn from federal police ranks." Althaus & Córdoba, *supra* note 17. Among the 5000-member police force, only 326 members have experience in the military or security work. *New Police Force in Mexico: The Gendarmerie*, *supra* note 21.

26. Grayson, *supra* note 9.

27. Althaus & Córdoba, *supra* note 17. "Half the new officers have completed high school and a fifth have university degrees." *Id.*

28. Duarte, *supra* note 16. According to la Secretaría de Gobernación of Mexico, "Hasta julio pasado, se habían ejercido 2093 millones de pesos de gasto para la Gendarmería" [2093 million pesos have been spent on the Gendarmería since last July]. *Id.*

used to create relatively high wages for La Gendarmería officers.<sup>29</sup> The second investment bolstered the quality of training that La Gendarmería officers received.<sup>30</sup> The third investment was used to modernize the equipment of La Gendarmería.<sup>31</sup> Further, the investment in the La Gendarmería has incited optimism within Mexico's prominent scholars.<sup>32</sup>

Despite the promising implementation of a corrupt-free police mentality, La Gendarmería's relatively small size renders it difficult for the force to reduce the level of violence in Mexico. The police force inaugurated in August was a fraction of the promised size at only 5,000 officers.<sup>33</sup>

### III. INCOMPATIBLE STRATEGIES OF THE AUTODEFENSAS AND LA GENDARMERÍA NACIONAL

The strategies of the Autodefensas and La Gendarmería are incompatible because of the differing methods to reduce violence in Mexico.<sup>34</sup>

29. Althaus & Córdoba, *supra* note 17. According to Monte Alejandro Rubido (Rubido), the director of Mexico's National Security Commission, the starting salary of a Gendarmería officer is \$1000. *Id.* Rubido states that the salary "isn't a bad salary by the police standards in our country." *Id.* Rubido has further stated that La Gendarmería "will provide security for regions where murder, extortion, kidnapping and theft have disrupted economic and community life." *Id.* The increase in wages reduces La Gendarmería's susceptibility to accepting bribes, thereby reducing corruption. Grayson, *supra* note 9. If La Gendarmería officers can provide for their families, then they are less likely to accept bribes as a means support their families.

30. Partlow, *supra* note 23. The Mexican government recruited experienced officers from France, Columbia, Chile, Spain, and the United States to train the inexperienced Gendarmería force. *Id.* Each of these seasoned officers draws their experience from similar and successful Gendarmería forces in their respective countries. *Id.*

31. *New Police Force in Mexico: The Gendarmerie*, *supra* note 21. La Gendarmería is supplied with firearms, vehicles, and horses in order to conduct their activity. *Id.* Specifically, La Gendarmería officers will be supplied with "7.62 and .223 mm assault weapons and 9-mm handguns such as Glocks and Magnums . . . 904 vehicles, including Jeep Patriots, Wranglers, Dodge Chargers, Nissan Titan pickup trucks, troop transport trucks and 100 horses for rural areas operation." *Id.*

32. Partlow, *supra* note 23. For example, Raul Benitez-Manaut, a researcher at the National Autonomous University in Mexico City, believes that La Gendarmería "will be a highly specialized group, with good training, with good salaries. *Id.*

33. Rama, *supra* note 1. "President Nieto initially promised a 40,000-member Gendarmería force.Division." *Id.* A direct explanation has not been given for the reduction in member size, but security expert, Raúl Benitez, found that La Gendarmería "was planned to be a very ambitious police force, separate from the federal police as well as the army. But there was a lot of infighting between the army, the navy and the federal police." Althaus & Córdoba, *supra* note 17.

34. The government seeks to indirectly reduce violence by focusing on improving the Mexican economy. The Autodefensas, however, desire to combat the violence directly in order to realize the immediate protection of Michoacán citizens.



### A. *Autodefensas: Protecting Mexican Citizens*

The primary goal of the *Autodefensas* is to protect the citizens of Michoacán from the *Templarios* drug cartel. The *Templarios* engage in activity such as extorting money from Michoacán citizens.<sup>35</sup> The threat towards the family members of Michoacán citizens' has even prompted several individuals to return to Mexico from the United States to join the *Autodefensas*.<sup>36</sup> The returning Michoacán citizens demonstrate the *Autodefensas*' strong desire to protect their families from the *Templarios*.<sup>37</sup>

To further protect their families, the *Autodefensas* combat the *Templarios* that extort the economic activity of Michoacán citizens. The *Templarios* extort Michoacán citizens' economic activity by disrupting agriculture and real estate activity.<sup>38</sup> The extortion has resulted in the *Templarios* taking control of the agricultural activity of the citizens.<sup>39</sup>

35. Wilkinson & Becerra, *supra* note 12. The nature of the extortion includes threatening to murder, kidnap, and rape the friends and families of Michoacán citizens. Althaus & Córdoba, *supra* note 17. *Autodefensa* Leno Miranda described the nature of the extortion as, "it had gotten to the point where they [the *Templarios*] told you when you could work, what you could charge for your products, and demanded a cut. You could be selling candy on a street corner and they'd charge you." Wilkinson & Becerra, *supra* note 12. Leno returned to Mexico to join the *Autodefensas* after living in Santa Ana, California for eight years, where he worked in laying carpet and flooring. *Id.*

36. *Id.* Prior to the rise of the *Autodefensas*, the *Templarios* were virtually unopposed due to the lack of a legitimate police force. Thus, citizens were left in a vulnerable position when threatened by the *Templarios*. The vulnerability prompted Michoacán citizens to return to Mexico from the United States to join the *Autodefensas*. *Id.* For example, in 2014 "Jerry" returned to Michoacán from Long Beach, California. *Id.* He returned to Mexico to join the *Autodefensas* to protect his family members from the *Templarios*. *Id.* Jerry described the situation in Michoacán when he stated, "[i]t was a huge mess here: kidnappings, murders, dead people strung up. Now it's a bit more tranquil." *Id.* Jerry is one of several individuals that returned to Michoacán to join the *Autodefensas*. *Id.* Other examples include Cuauhtémoc Espejo, who was living in the Central Valley of California. *Id.* Espejo's view on the situation in Michoacán is that "[t]here is a lot of fear, uncertainty now." *Id.* Yet, it does not deter these individuals from returning to Michoacán. Many of the individuals returning to Michoacán worked in factories and farm fields. *Id.*

37. *Id.* In addition to returning to fight for the *Autodefensas*, individuals in the United States indirectly offer support to their family members. *Id.* There have been fundraisers in several California cities, Chicago, Las Vegas, New York, and Washington. *Id.* According to Jose Sandoval, a support organizer, "the money collected has paid for food, medicine and other needs—but not for weapons . . . trying to lift their loved ones in a homeland whose government has failed to fulfill basic obligations." *Id.* Sandoval stresses the main point of donating money is because "We have mothers and sons and brothers and sisters in Mexico, and we send that money so that they live a little bit better." *Id.*

38. León, *supra* note 6. Michoacán is well known for its lemon and avocado production. *Id.* Michoacán also has a substantial fishing and mining industry. *Id.* For example, Estanislao Beltran (Beltran), a spokesperson for an *Autodefensa* force, testified that the *Templarios* "took a cut of everything, of every business. If you sell a cow to be sacrificed, you have to give them a cut, about 10 pesos for every kilogram of meat." *Id.*

39. Partlow, *supra* note 23. For example, in the lime industry, the *Templarios* allow the citizens to harvest the limes. *Id.* The *Templarios* begin to interfere with the agricultural process when the limes

Another economic activity that the Templarios control is the real estate in Michoacán.<sup>40</sup> The protection of economic activity provides motivation, in addition to protecting family members, for the Autodefensas to combat the Templarios.

Reducing the Templarios dominance in the economic sector contributes to the overall goal of reducing violence because the Autodefensas increase their ability to defeat a less dominant cartel. In 2014, the Autodefensas successfully began to reduce the Templarios' ability to extort Michoacán citizens. The Autodefensas began to combat unlawful property seizures.<sup>41</sup> For example, when the land is recovered, it is promptly returned to the rightful owner.<sup>42</sup>

The Autodefensas' success in reducing the Templarios' dominance in the economic sector of Michoacán promoted a sense of authority in the force.<sup>43</sup> The Autodefensas' victory over the Templarios strengthens the authority of the force because they successfully reduce the cartel's influence in Michoacán.<sup>44</sup>

are ready to be sold and shipped for profit. *Id.* The Templarios force the lime cultivators to sell the limes to the drug cartel at a price below market value. The Templarios then proceed to sell the limes at market price and profit from the transaction. As a result, the lime cultivators suffer economically because they do not receive a profit from their lime cultivation. *Id.*

40. León, *supra* note 6. The Templarios forcefully take the real estate of the Michoacán citizens. The Templarios stripped the land from the rightful owners by forcing them, at gunpoint, to sign the deed. *Id.* The deed signing was validated by a public lawyer who was either held at gunpoint or working with the Templarios. *Id.* The citizen's economic assets in property are thereby undermined because they do not receive money from the stolen real estate property. *Id.* In many cases the owner was subsequently killed after signing the deed over to the Templarios. *Id.*

41. León, *supra* note 6. Beltran testified that his force was "returning some houses that the criminals had taken over to their original and rightful owners, from 32 families. So yesterday we returned some avocado farms." *Id.* Autodefensas also seized the houses of many Templario bosses. *Id.* On January 16, 2014, the Autodefensas of Tancitaro, Michoacán made their first big land handout by returning twenty-five avocado orchards to the original owners. *Mexico's Vigilantes, supra* note 3.

42. León, *supra* note 6. Beltran explained the positive reaction of the homeowners receiving their property when he stated, "You won't believe how happy the owners became. We are going to return all the stolen goods we take from the criminals to the people." *Id.*

43. *Id.* This sense of authority prompted the force to attempt to completely eliminate the cartel influence from towns throughout Michoacán. *Id.* The Autodefensas are reported to have taken roughly over 20 out of 113 municipalities in Michoacán. *Id.* For example, the Autodefensas successfully recovered the town of Apatzingán. Leon Watson, *Gun-toting Mexican Vigilantes Parade Victorious Through Drugs Cartel's Stronghold After Seizing Control in Rare War on Drugs Triumph*, Daily Mail (Feb. 10, 2014, 6:34 PM), <http://www.dailymail.co.uk/news/article-2555772/Mexico-vigilantes-parade-Knights-Templar-stronghold-taking-control.html>. Prior to the recovery, the town was under the complete control of the Templarios. *Id.* Over the course of several days, the Autodefensas defeated the Templarios to completely free the town of their influence. *Id.* The Autodefensas arrested 200 gang members. *Id.* One of the cartel members that were arrested is the brother of one of Los Templarios' leaders, Enrique 'Kiki' Plancarte. *Id.* The victory was followed by an Autodefensas parade in Apatzingán. *Id.*

44. *Id.* Prior to the Autodefensa recovery, the city of Apatzingán was under the complete control of Los Templarios. *Id.* The federal police had no authority in the city. *Id.* Los Templarios would travel

The Autodefensas assert their authority by maintaining control of the towns they recover from the Templarios.<sup>45</sup> The recovered towns are routinely patrolled by the Autodefensas.<sup>46</sup> In addition to the patrols, the Autodefensas expel police forces that they consider ineffective.<sup>47</sup> As more towns are recovered, the Autodefensas further reduce the influence of the Templarios in Michoacán.

The authority of the Autodefensas is potentially compromised by the Templarios infiltration in the force. The Templarios claim that members of the Autodefensas are also concurrent members of the drug cartel.<sup>48</sup>

The authority of the Autodefensas is further injured when the Autodefensas allow former Templarios' members to join their forces. However, the Autodefensas take precautions to reduce the threat of drug cartel infiltration.<sup>49</sup> It is difficult to ascertain where the loyalty of the

around the city with red crosses marked on their vehicles. *Id.* The red crosses notify the federal police to evacuate the city at the request of the Templarios. *Id.*

45. The Autodefensas take steps to ensure that a recovered town does not fall back into the control of the Templarios.

46. *Mexico's Vigilantes*, *supra* note 3. As a part of the patrol, the Autodefensas set up road checkpoints to monitor movement in and out of the towns. *Id.* For example, the Autodefensas known as the Self Defense Council of Michoacán (CAM) set up a checkpoint in the Chuquiapan city outskirts with the purpose of regulating movement in and out of the city. *Id.*

47. *Id.* Criminal bosses are also apprehended or killed if necessary to expel the Templarios' influence. *Id.*

48. Verónica Macías, *Policía Rural Está Infiltrada Por Criminales*, *economista* (Sept. 18, 2014), <http://eleconomista.com.mx/sociedad/2014/09/18/policia-rural-infiltrada-criminales>. According to Gregorio López (Goyo), párroco del municipio de Apatzingán [a town in Michoacán], *Sólo en Apatzingán . . . Cada día son más los criminales que se enrolan con la Fuerza Rural. Esto es una vergüenza, un hazmerreír de la justicia* [priest in Apatzingán, with every passing day the criminals enroll in the La Fuerza Rural. This is an embarrassment, and a mockery of justice]. *Id.* Goyo further testifies that property recovered from Los Templarios is being redistributed among the vigilante members. *Id.* For example, Servando Gomez (La Tuta), leader of Los Templarios, stated that several Autodefensas are members of the cartel or work for the cartel. *La Mayoría de los Autodefensas Eran Templarios, Dice 'La Tuta,' INFORMADOR* (Oct. 28, 2014), <http://www.informador.com.mx/mexico/2014/556463/6/la-mayoria-de-los-autodefensas-eran-templarios-dice-la-tuta.htm>. Los Templarios also accused the Autodefensas of aiding rival drug cartels, like New Generation from Jalisco. *Mexico to Integrate Vigilantes Into Security Forces*, BBC NEWS (Jan. 28, 2014), <http://www.bbc.com/news/world-latin-america-25924386>.

49. Tagle, *supra* note 10. For example, in January of 2014, José, a former member of the Templarios, joined the Autodefensas in Michoacán. *Id.* José took a large pay cut when he joined the Autodefensas. He now earns 600 pesos instead of the 3000 pesos he earned with the Templarios. *Id.* José decided join the Autodefensas because, “me mataron a dos familiares que quise mucho, sólo que, cuando me los asesinaron, no podía hacer nada, ni cómo defenderme, pero ahora sí tenemos armas con qué evitar que esta gente entre” [They killed two family members that I loved very much and when they killed them, I could not do anything, but now we have weapons that we can use to defend ourselves]. *Id.* José is closely monitored by the Autodefensas. *Id.* According to Pedro, an Autodefensa leader, José (a former cartel member) is not likely to betray the Autodefensas because “Sabemos dónde vive, conocemos a sus hijos y fue su esposa quien nos lo entregó y lo puso a trabajar en algo decente” [We know where he lives, we know his children and it was his wife who referred him to us and put him to work a decent job]. *Id.* In addition to knowing personal details of José's life, the

Autodefensas members truly lies. However the interest in protecting family<sup>50</sup> is strongly indicative of their commitment to the Autodefensas.

The Autodefensas remain credible with the people of Michoacán because they continue to reduce the Templarios' violence.<sup>51</sup>

### *B. La Gendarmería Nacional: Protecting the Mexican Economy*

La Gendarmería is President Nieto's mechanism to reduce violence in Mexico.<sup>52</sup> President Nieto envisions "una gendarmería nacional, precisamente con el apoyo de los militares que prestan esta labor de seguridad pública" [a force with the support of the military to ensure public security].<sup>53</sup>

The Mexican government seeks to reduce violence in Mexico and improve its economy by utilizing La Gendarmería. Violence is one of the major issues that President Nieto addressed when he took office in 2012.<sup>54</sup> According to President Nieto, the government will utilize La Gendarmería as a mechanism to "contai[n] and brea[k] up organized crime groups that undermine economic activity wherever required."<sup>55</sup>

Autodefensas require that former cartel members demonstrate their commitment to the force. *Id.* Before a former Templarios' member is trusted to fight with the Autodefensas, "lo pusieron a limpiar baños, servir comida, recoger basura y hacer mandados" [they had him clean the restrooms, serve food, pick up trash, and run errands]. *Id.*

50. See *supra* note 49.

51. The Autodefensas protect the people. Protecting the people has earned their support because the Autodefensas are the only force successfully combating the Templarios.

52. Althaus & Córdoba, *supra* note 17.

53. Peña Nieto *Propone Crear Una "Gendarmería Nacional" Contra el Narcotráfico*, CNN MEX. (Apr. 9, 2012, 5:12 PM), <http://mexico.cnn.com/nacional/2012/04/09/pena-nieto-propone-crear-una-gendarmeria-nacional-contra-la-violencia>. President Nieto further stated that the purpose of La Gendarmería is to provide "greater quantitative and qualitative reaction capacity to the federal police" and ensure "public peace . . . to protect family, school and work spaces." Althaus & Córdoba, *supra* note 17. El secretario de Gobernación, Miguel Ángel Osorio Chong, further expanded on the goal of the force when he stated, "[e]l verdadero dato duro se alcanzará cuando la sociedad se encuentre tranquila y que el país se encuentre mejor" [the real goal will be realized when society finds tranquility and the country is in a better position]. *La Gendarmería Nacional Tardará un Año Más e Iniciará con 5000 Elementos*, CNN MEX. (Aug. 27, 2013, 12:10 PM), <http://mexico.cnn.com/nacional/2013/08/27/pena-ofrece-evaluacion-de-seguridad-a-cinco-dias-de-su-primer-informe>.

54. Narayan Ammachchi, *Mexico Forms Special Police Force to Protect Businesses from Organized Crime*, NEARSHORE AMERICAS (Aug. 25, 2014), <http://www.nearshoreamericas.com/mexico-forms-special-police-force-protect-businesses-criminal-syndicates>. The violence is a result of former President Calderon's war against organized crime in Mexico. Rama, *supra* note 1. Mexico became the kidnapping capital of the world in 2013 where there were 1600 reported kidnappings. *Id.* "There have been more than 70,000 cartel-related killings since 2006." Ioan Grillo, *Mexico's Cartel-Fighting Vigilantes Get Closer to Texas Border*, NBC NEWS (July 9, 2014), <http://www.nbcnews.com/news/world/mexicos-cartel-fighting-vigilantes-get-closer-texas-border-n151441>.

55. *New Police Force in Mexico: The Gendarmerie*, *supra* note 21. Thus, President Nieto opted to address the violence indirectly instead of continuing to engage the drug cartels in direct combat.

La Gendarmería is expected to improve the Mexican economy by protecting economic activity. The economic activity is related to a series of economic reforms.<sup>56</sup> La Gendarmería is expected to ensure the implementation of the economic reforms by combating violence that threatens economic activity.<sup>57</sup>

The government emphasizes the economic reforms because of their potential to drastically improve the Mexican economy. President Nieto clarified the importance of the reforms when he stated, “Mi propósito: ni rebajar ni ceder ni claudicar en el esfuerzo de las reformas. No pienso en una visión cortoplacista” [My proposition is not to reduce or give up on the push for reforms. My vision for the reforms is a long-term plan].<sup>58</sup>

The Mexican government prioritizes the reforms in the oil industry because of the potential source of revenue for the economy.<sup>59</sup> In order to improve the industry, the government privatized the struggling oil industry in 2013.<sup>60</sup> The government’s decision to privatize the oil industry was unpopular with Mexican citizens.<sup>61</sup> However, privatizing the oil industry demonstrates the government’s commitment to improving the economy.

*Peña Nieto Propone Crear Una “Gendarmería Nacional” Contra el Narcotráfico*, *supra* note 53. The president expressed the government’s indirect approach when he stated, “Reafirmo la obligación del Estado mexicano de combatir al narcotráfico, pero ahora tenemos otro tema que resulta de mayor prioridad que es la violencia” [reaffirmed the obligation of the Mexican state to combat drug trafficking, but now we have a superior issue which is the violence]. *Id.*

56. Jan Martínez Ahrens, *Mexico Ends 76-year-old State Oil and Gas Monopoly*, EL PAÍS (July 22, 2014, 11:41 AM), [http://elpais.com/elpais/2014/07/22/inenglish/1406040294\\_721527.html](http://elpais.com/elpais/2014/07/22/inenglish/1406040294_721527.html). Mexico’s economic reforms focus on improving the oil and agriculture sectors of the economy. *Id.* According to Monte Alejandro, the director of Mexico’s National Security Commission, La Gendarmería has the duty of “guarding agriculture, mining, and oil . . . against criminal groups.” Rama, *supra* note 1.

57. Rama, *supra* note 1.

58. Javier Moreno, “*Mi Pacto es con el Futuro de México*,” EL PAÍS (June 9, 2014, 5:46 PM), [http://internacional.elpais.com/internacional/2014/06/07/actualidad/1402167871\\_695303.html](http://internacional.elpais.com/internacional/2014/06/07/actualidad/1402167871_695303.html). The Mexican government anticipates that by 2018 500,000 new jobs will have been created. *Mexico Congress OKs Political Reform, Paves Way for Energy Bill*, REUTERS (May 16, 2014), <http://www.reuters.com/article/2014/05/16/mexico-reforms-idUSL1N0O20G620140516>. Also, the oil production is expected to increase by 20 percent in that time frame. Ahrens, *supra* note 56.

59. Ahrens, *supra* note 56. Currently, the oil industry contributes to one-third of Mexico’s income. *Id.* If the reforms to the oil industry are successful, expert reports claim “Mexico’s [oil] production could stabilize at 2.9 million barrels per day through 2020 and then rise to 3.7 million barrels per day by 2040.” *Id.*

60. *Id.* Prior to privatizing to oil industry, PEMEX, a government owned company, held a monopoly in the Mexico’s oil sector for over 70 years. *Id.* On March 18, 1938 Lázaro Cardenas nationalized the Mexican oil industry, which was previously under the control of private American and English companies. *Id.* In the past two years, PEMEX’s oil production has decreased “25 percent over the past decade to 2 million barrels per day—which threatens the country’s ability to pay its bills.” *Id.* In 2013, PEMEX lost \$9.3 billion dollars despite investment in the company over the last 13 years. *Id.*

61. *Id.* The Partido de la Revolución Democrática (PRD) political party strongly opposed the privatization of Mexico’s oil industry and “threatened to organize protests and use all legal resources

In addition to protecting the oil industry, the government is indirectly interested in improving the agricultural sector of the economy.<sup>62</sup> This is demonstrated by the expectation that La Gendarmería will focus on all economic activity.<sup>63</sup> La Gendarmería can thereby expect to be active in the rural areas of Michoacán where there is agriculture activity.

The government further intends to use La Gendarmería to create a safe environment that attracts foreign investors to the Mexican economy.<sup>64</sup> Currently, the violence in Mexico discourages foreign investment.<sup>65</sup> Investors have expressed that “security is one of the main demands” when considering investing in the Mexican economy.<sup>66</sup>

The government will retain control over La Gendarmería’s activity to ensure that the force is utilized for the economic benefit of the Mexican people rather than foreign investors. By retaining discretion, the government maintains control of La Gendarmería.<sup>67</sup> Maintaining the discretion protects the interests of the Mexican people, rather than foreign investors, who look to benefit from the economic reforms.

The government’s discretion over La Gendarmería is facilitated by the small size and mobility of the force. La Gendarmería was specifically designed to be small and mobile.<sup>68</sup> La Gendarmería is expected to have the ability to address the issues that the government deems necessary.

available to call a referendum to cancel the bill.” *Id.* The Mexican government will retain the control of the oil reserves, but will raise revenue by granting concessions to private companies. *Id.* The revenue will continue to pay for Mexico’s “education, health, security, employment and economic systems.” *Id.*

62. Rama, *supra* note 1. La Gendarmería has the task of “. . . guarding agriculture, mining, and oil and gas production against criminal groups” according to Monte Alejandro. *Id.* Monte Alejandro is the director of the National Security commission. *Id.* Unlike the oil industry, no major reforms have been implemented to improve the agricultural industry.

63. *Id.* Thus, the government’s interest in protecting economic activity includes the agricultural industry.

64. Ahrens, *supra* note 56. Foreign investment is particularly important to the newly privatized oil industry. The privatized oil industry needs foreign investors to purchase commissions that would allow them to harvest the oil.

65. *Id.* Foreign investment is discouraged because the violence raises the question of whether Mexico can ensure the protection of economic activity. Foreign investors have an interest in ensuring that their investment is free and secure from organized crime.

66. Ammachchi, *supra* note 54.

67. Althaus & Córdoba, *supra* note 17. Thus, individual companies will not be able to request the services of La Gendarmería. *Id.* Rubido, the director of Mexico’s National Security Commission, stated that La Gendarmería “won’t be used to protect particular companies.” *Id.* Rubido further stated that the government would deploy the force “where criminals have caused economic distress or threatened commerce or tourism.” *Id.*

68. Duarte, *supra* note 16. The size and mobility of the force enables the government to easily deploy the force to target areas across the country. Archibold, *supra* note 2. “Los gendarmes trabajarán en cuarteles móviles cuando el despliegue operativo sea de unos días y hasta de tres meses; en cuarteles semifijos cuando la presencia sea de hasta seis meses, y en cuarteles fijos cuando se requiera

The government's goal of improving the economy is promising, but La Gendarmería's sole emphasis on protecting economic activity does not address the violence occurring outside of the economic sphere.<sup>69</sup>

#### IV. TENSION BETWEEN THE AUTODEFENSAS AND THE MEXICAN GOVERNMENT AS A RESULT OF THE INCOMPATIBLE STRATEGIES

The tension is a result of the incompatible strategies of Autodefensas and La Gendarmería.<sup>70</sup>

##### A. *Tension Between the Government's Desire to Control Mexico's Security and the Autodefensas' Demand for Autonomy*

The Mexican government and the Autodefensas have the same underlying goal, which is to reduce violence. Despite this same goal, the two sides differ in their method of reducing violence. The government created La Gendarmería, a special police force dedicated to protecting economic activity.<sup>71</sup> This option indirectly reduces violence because improving the economy is the primary goal. The Autodefensas, however, combat the drug cartels directly.<sup>72</sup> Both sides take steps to reduce violence in Mexico, but their respective methods are incompatible.<sup>73</sup> The incompatibility creates a tension between two groups even though they have the same overall goal of reducing violence.

The Mexican government's method acknowledges the public need for peace because the violence is primarily borne by Mexican citizens.<sup>74</sup>

una permanencia mayor a seis meses" [The Gendarmería soldiers will work in quartettes when engaged in between a few days and up to three months; in semi-quartettes if the engagement is up to 6 months, quartettes when engaged in over six months]. Duarte, *supra* note 16.

69. The current utilization of La Gendarmería, emphasizing the economic activity, continues to subject the Michoacán citizens to the Templarios' violence.

70. The government has an interest in maintaining control of Mexico's security. However, the Autodefensas are reluctant to conform to the government's laws because of their distrust with the government's ability to protect the citizens of Michoacán.

71. *New Police Force in Mexico: The Gendarmerie*, *supra* note 21.

72. *Mexico to Integrate Vigilantes Into Security Forces*, *supra* note 48. The direct engagement with the Templarios has been effective for the Autodefensas. *Id.* The force successfully reduces the Templarios' dominance in towns throughout Michoacán. León, *supra* note 6.

73. The Mexican government's interest in controlling the safety of Mexico conflicts with the Autodefensas who take the law into their own hands. Further, the Autodefensas are not interested in adhering to a Government that has unsuccessfully protected the Mexican people from the Templarios. Grillo, *supra* note 54.

74. *New Police Force in Mexico: The Gendarmerie*, *supra* note 21. The government did not disregard the interest of the Mexican citizens when creating La Gendarmería. *Id.* President Nieto stated that the objective of La Gendarmería "is to become a police force that is close to the people, sensitive,

However, the Michoacán citizens can reasonably expect La Gendarmería to be active in Michoacán when the force combats violence in relation to agricultural activity.<sup>75</sup>

To protect the Michoacán citizens, the Mexican government attempted to take control of the security system in Mexico by supporting the Autodefensas. The government supports the Autodefensas for two reasons: First, the Autodefensas effectively combat Los Templarios by reducing the dominance of the Templarios in Michoacán.<sup>76</sup> Second, the Autodefensas become subject to government influence when receiving their support.<sup>77</sup> The government support played a significant role in the success of the Autodefensas' ability to reduce the Templarios' dominance in Michoacán.<sup>78</sup> This raises the question of whether the Autodefensas could succeed in recovering cities, like Apatzingán without the government's support.<sup>79</sup>

The government further attempts to control the security in Michoacán by conditioning the support for the Autodefensas on their adherence to

supportive and absolutely respectful of human rights." *Id.* The citizens of Michoacán are among those that need the protection of La Gendarmería because they are subjected to the Templarios' violence. *Id.*

75. Althaus & Córdoba, *supra* note 17. This expectation was established by el Senador Omar Fayad, presidente de la Comisión de Seguridad, when he stated that La Gendarmería "Se va a encargar de cubrir las zonas donde ningún otro cuerpo de seguridad llega, como zonas limítrofes entre entidades federativas, como zonas rurales. Se va a sumar a la nueva estrategia de seguridad" [It will be in charge of covering where no other security force is present, zones between federal entities, like rural zones. This is the new security strategy]. Jorge Monroy, *Cadetes Al Frente de Primera Gendarmería en México*, *ECONOMISTA* (Aug. 20, 2014), <http://eleconomista.com.mx/sociedad/2014/08/20/cadetes-frente-primera-gendarmeria-mexico>. Miguel Osorio Chong, Mexico's Interior Secretary, further established the government's interest in protecting Mexican citizens when he stated, "All the criminals who have hurt the Mexicans' tranquility will have to fall." Ioan Grillo, *Mexico's cartel-fighting vigilantes get closer to the Texas border*, *GLOBAL POST* (July 7, 2014, 11:32 PM), <http://www.globalpost.com/dispatch/news/regions/americas/mexico/140707/mexican-vigilantes-cartels-texas>.

76. León, *supra* note 6. The Autodefensas are credible with the citizens because the force is comprised of Michoacán citizens that fight for their families. *Mexico Legalizes Vigilante Groups in Michoacán, Welcomes Them in Fight Against Drug Cartels*, *supra* note 11. The credibility of the Autodefensas ensures the government that the Autodefensas are fighting to reduce crime. The government, thus, has an interest in supporting the Autodefensas because of their credibility in reducing violence.

77. *Mexico Legalizes Vigilante Groups in Michoacán, Welcomes Them in Fight Against Drug Cartels*, *supra* note 11. The government supports the Autodefensas by supplying information about the Templarios and weapons. *Id.* The government supports the autodefensas by "formally providing them with weapons, uniforms, and training." *Mexico's Vigilantes*, *supra* note 3. According to government, they will supply the Autodefensas with "all the means necessary for communications, operations and movement" of the Templarios. *Mexico Legalizes Vigilante Groups in Michoacán, Welcomes Them in Fight Against Drug Cartels*, *supra* note 11.

78. Watson, *supra* note 43. For example, when the Autodefensas recovered Apatzingán, as described in Part II of this Note, the government supplied information that identified the locations of high-ranking officers in the city. *Id.*

79. *See supra* note 44.



government regulations.<sup>80</sup> For example, the Autodefensas are required to submit a list of members to the government.<sup>81</sup> These requirements enable the government to closely supervise the Autodefensas' activities.

The Mexican government ultimately attempted to take control of the security in Michoacán by incorporating the Autodefensas into La Defensa Rural, a separate force from the Autodefensas and La Gendarmería.<sup>82</sup> La Defensa Rural is a government run police force that leaves no discretion to the Autodefensas. However, La Defensa Rural is only temporary.<sup>83</sup>

Many Autodefensas welcomed the incorporation into La Defensa Rural because of the opportunity to combat violence in Michoacán with the support of the government.<sup>84</sup> Further, integration into a government police force allows the Autodefensas to work for the government instead of against it. However, support of La Defensa Rural remains the minority opinion with the Autodefensas.

Despite some support for La Defensa Rural, the tension persists because of the Autodefensas' distrust of the government. Several Autodefensas prefer to remain autonomous because of the government's failure to protect the Michoacán citizens.<sup>85</sup>

80. *Id.* For example, the Autodefensas are required to register every firearm with government officials. *Mexico Legalizes Vigilante Groups in Michoacán, Welcomes Them in Fight Against Drug Cartels*, *supra* note 11. The government also authorizes local non-government authority figures to issue handwritten firearm licenses to Autodefensas. *Mexico's Vigilantes*, *supra* note 3. An example of an authority figure is Father Goyo, a priest in his town. *Id.*

81. *Id.*

82. *Id.* The government and the Autodefensas came to an agreement where members of the Autodefensas became incorporated into a government police force called La Defensa Rural. *Id.* On May 10, 2014, the Mexican government swore in 450 members of La Defensa Rural. *Mexico's Vigilantes*, *supra* note 3. The Mexican Interior Department stated, "The self-defense forces will become institutionalized, when they are integrated into the Rural Defense Corps." *Mexico Legalizes Vigilante Groups in Michoacan, Welcomes Them in Fight Against Drug Cartels*, *supra* note 11.

83. *Mexico to Integrate Vigilantes Into Security Forces*, *supra* note 48. The government stated that La Defensa Rural "will be temporary and under the control of the authorities to co-operate with the troops." *Id.*

84. *Mexico Legalizes Vigilante Groups in Michoacan, Welcomes Them in Fight Against Drug Cartels*, *supra* note 11. Hipolito Mora, a vigilante leader stated, "The majority of us want to get into the police . . . I never imagined myself dressed as a policeman, but the situation is driving me to put on a uniform." *Id.*

85. *La Gente Vuelve a Retomar Labores de Seguridad; 'No Nos Cumplieron', Afirma*, INFORMADOR (Oct. 6, 2014), <http://www.informador.com.mx/mexico/2014/552409/6/la-gente-vuelve-a-retomar-labores-de-seguridad-no-nos-cumplieron-afirman.htm>. According to Luis Martínez, dirigente de la autodefensa de Coalcomán, Michoacan, "Tenemos (the Autodefensas) que volvemos a reactivar porque el Gobierno no nos ha cumplido" [We need to regroup because the government has not fulfilled their promise to reduce violence]. *Id.* "El Americano," leader of the Buenavista Autodefensas, demonstrated the distrust with the government when he stated, "El gobierno no trabaja, no conoce y no actúa, nosotros le damos la información necesaria y ellos van y hacen su trabajo y ya, van a la captura de cualquier persona, pero luego las sueltan o las perdonan y ahí las ve uno rondando como si nada por Apatzingán" [The government does not work, does not notice or act, we give them

The desire to retain their autonomy puts the Autodefensas in direct conflict with the Mexican government seeking to retain control of the security in Mexico.<sup>86</sup> Recently, Jose Manuel Mireles, a medical doctor and the leader of the Autodefensas in Apatzingán, Tepalcatepec was arrested by the Mexican government.<sup>87</sup> Mireles illustrated his distrust of the Mexican government when he stated that the federal police forces are “uniformando criminales” (uniformed criminals).<sup>88</sup> However, the Mexican government claims that Mireles’ arrest was justified because he violated the law.<sup>89</sup>

To add to the conflict, La Gendarmerías sole focus of protecting economic activity preserves the distrust with the government because the force does not address non-economic violence.<sup>90</sup> The focus on economic activity neglects the violence associated with murder, kidnapping, and

the necessary information and they make arrests, but then they set the captives free and they pardon them]. Tagle, *supra* note 10. “El Americano further expresses his discontent with the government when he states, “No, no está seguro porque no han limpiado prácticamente lo que es en el interior, no han limpiado bien. Yo no puedo ir ahí y andar así como andamos ahorita sin armas. No, no es seguro, no sabemos realmente quién está ahí en el centro” [No, it is not secure because they have not cleaned anything. I cannot be without my weapons. It is not secure, and we do not know who is in the middle of all the corruption]. *Id.*

86. *Mexico Legalizes Vigilante Groups in Michoacan, Welcomes Them in Fight Against Drug Cartels*, *supra* note 11. The conflict has resulted in the arrests of several Autodefensas leaders. *Mexico Vigilante Leader Jose Manuel Mireles Arrested*, BBC NEWS (June 27, 2014), <http://www.bbc.com/news/world-latin-america-28069086>.

87. *Mexico Vigilante Leader Jose Manuel Mireles Arrested*, *supra* note 86. Mireles was arrested for failure to comply with the government’s “Firearms and Explosives Act.” *Id.* The “Firearms and Explosives Act” requires that the vigilantes register their firearms with the government. *Id.* Mireles violated the act by refusing to register all of the weapons with the Mexican government. *Id.* Mireles was later convicted for “portación de arma de fuego de uso exclusivo del Ejército y contra la salud, en su modalidad de *narcomenudeo* en la variante de posesión simple de marihuana y cocaine” [violating the law that requires him to register all his weapons with the government]. Sanjuana Martínez, “*Soy un Preso Político*”, *Sostiene Mireles Valverde*, JORNADA (July 7, 2014), <http://www.jornada.unam.mx/2014/07/07/politica/015n1pol>. Mireles refuses to comply with the government because he does not trust them. *Detención de Mireles, Sin Fines Políticos: Osorio Chong*, ARISTEGUI (July 4, 2014), <http://aristeguinoticias.com/0407/mexico/detencion-de-mireles-sin-fines-politicos-osorio-chong/>.

88. *Autoridades Detienen en Michoacán a José Manuel Mireles*, CNN MEX. (June 27, 2014), <http://mexico.cnn.com/nacional/2014/06/27/autoridades-detienen-en-michoacan-a-jose-manuel-mireles>. Mireles further claims that the Autodefensas are “being persecuted by the Knights Templar, the army, the navy and all the police departments.” *Vigilantes Say Mexico Government Persecuting Them*, YAHOO! NEWS (Mar. 16, 2014), <https://www.yahoo.com/news/vigilantes-mexico-government-persecuting-them-012449967.html?ref=gs>.

89. *Vigilantes Say Mexico Government Persecuting Them*, *supra* note 88. Miguel Ángel Osorio Chong, El secretario de Gobernación de Mexico, stated “El gobierno ha acreditado que se maneja de manera transparente y que está cumpliendo a cabalidad el no mezclar el tema de la seguridad con el tema político” [The government is operating transparently and it successfully separating security issues from political issues]. *Detención de Mireles, Sin Fines Políticos: Osorio Chong*, *supra* note 87.

90. León, *supra* note 6. Thus, it is unlikely that the force will protect any activity outside of that scope of activity.

rape in Michoacán.<sup>91</sup> La Gendarmería, therefore, does not reduce the Templarios' violence outside of the economic activity.

The government also does not guarantee that La Gendarmería will protect *all* crimes related to economic activity.<sup>92</sup> The relatively small size of La Gendarmería, 5000 members, renders it difficult to rely on the force to address all the violence related to economic activity.<sup>93</sup> Thus, La Gendarmería is unable to fully address criminal economic activity in the state of Michoacán. The inability to protect the citizens from the Templarios preserves the distrust for the government.

### *B. Tension Leads to Altercations Between the Autodefensas and the Mexican Government*

The Autodefensas do not rely on La Gendarmería to address the violence in Michoacán. The Autodefensas are reluctant to rely on La Gendarmería given that the force does not protect the families from non-economic violence.<sup>94</sup> Considering that many of the Autodefensas are combating the Templarios for the sole purpose of protecting their families, there is little incentive for them to disengage from fighting.<sup>95</sup> The reluctance to submit to Government control led to a series of altercations between the Autodefensas and federal police.

The altercations demonstrate two things: Citizens question the government's motives and Autodefensas lack faith in the federal police force's ability to effectively reduce the Templarios' violence. Conflicts

91. Grillo, *supra* note 54. La Gendarmería's potential activity in Michoacán is limited to the agriculture sector of the economy because La Gendarmería will only address violence effecting economic activity. *Id.*

92. Althaus & Córdoba, *supra* note 17. As previously stated in Part III, the discretion of where to deploy the force lies solely with the government. *Id.*

93. Rama, *supra* note 1. Michoacán is not the only state that deals with criminal economic activity, so it is not likely that La Gendarmería will protect citizens in Michoacán on every appropriate occasion. Grillo, *supra* note 54. Guerrero is another Mexican state with similar drug cartel violence in rural areas of the state. *Id.* Additionally, given that privatization of the oil industry is a key aspect of the economic reforms, La Gendarmería will most likely prioritize protecting the oil industry before the agricultural industry in Michoacán. Michael Casey, *Mexico Poised for an 'Energy Renaissance' Following Reforms*, FORTUNE (Aug. 25, 2014, 2:24 PM), <http://fortune.com/2014/08/25/mexico-poised-for-an-energy-renaissance-following-reforms/>.

94. Althaus & Córdoba, *supra* note 17. La Gendarmería is expected to primarily put their complete focus on protecting economic activity.

95. Wilkinson & Becerra, *supra* note 12. Mireles describes that the Autodefensas "entramos a esta comunidad porque recibimos el reporte de la población de desaparecidos y secuestros, inclusive de que había una fosa clandestina con más de 30 cuerpos" [we entered this community after receiving reports from the public about disappearances and kidnappings of up to 30 people]. *Autoridades Detienen en Michoacán a José Manuel Mireles*, *supra* note 88. Any action on the part of the government that limits the Autodefensas has prompted altercations between both sides.

that lead to the physical altercations between the Autodefensas and the government are demonstrated by the following altercation. On January 5, 2014, Autodefensas entered the town of Paracuaro to expel Los Templarios from the town.<sup>96</sup> Upon entering the town, the Autodefensas engaged the Templarios, as well as the federal police, in combat.<sup>97</sup> First, citizens questioned the motives of the government when the altercation occurred.<sup>98</sup> Second, the Autodefensas lack faith in the government's ability to effectively reduce the Templarios' dominance.<sup>99</sup> The conflict in Paracuaro exemplifies the tension between the government and Autodefensas.

The distrust in the government is further compounded by indications that the Templarios have a strong influence in the political sector of Michoacán.<sup>100</sup> The citizens also question the Templarios involvement with President Nieto.<sup>101</sup> The suspicious conduct of the governor, along with the Templarios support for the PRI, President Nieto's political party, contributes to the strong sense of distrust with the Mexican government.

While President Nieto's stance on reducing violence in Mexico appears promising, his solution to implement La Gendarmería is inadequate.<sup>102</sup> It will take time for the economic reforms to mature and have a positive effect on Mexico's economy.<sup>103</sup> The people of Michoacán do not have this

96. *Mexico's Vigilantes*, *supra* note 3. While combating Los Templarios, the Autodefensas also disarmed federal police officers. *Id.*

97. *Id.*

98. León, *supra* note 6. Father Javier Cortez, an Autodefensa spokesperson, stated that the citizens were concerned because "How can it be that those [the federal police] who are supposed to take care of us can cause the death of civilians?" *Id.*

99. By disarming the federal police force, the Autodefensas do not trust them any more than they would a Templarios' member.

100. *Id.* For example, when the Autodefensas were recovering Apatzingán, the Governor of Michoacán disarmed the Autodefensas. *Id.* Two days after the Governor disarmed the Autodefensas, the Templarios burned down a pharmacy two blocks from the municipal palace. *Id.* Father Goyo, a representative of the citizens of Apatzingán, stated his concerns with the Governor's activity when he stated, "[w]e should look into our Governor Vallejo, who just happened to visit the city right around the time when the worst gangsters were having a meeting, probably even protected by governmental security from the 21st Military Zone, which, as we know, are in the Templarios' payroll." *Id.*

101. *Id.* The Templarios actively support president Nieto's political party, the Partido Revolucionario Institucional (PRI). *Id.* According to an anonymous Military leader, La Tuta "made terrorist threats and ordered all of us to vote for the now governor [Fausto Vallejo]." *Id.* La Tuta is the leader of the Templarios. *Id.*

102. Archibald, *supra* note 2. The government is aware that the positive results of La Gendarmería will not be realized immediately. *Mexico Congress OKs Political Reform, Paves Way for Energy Bill*, *supra* note 58.

103. *Mexico Congress OKs Political Reform, Paves Way for Energy Bill*, *supra* note 58. "Pena Nieto's energy reform, which forms the central plank of his vision to breathe new life into the economy." *Id.* By 2018, the government is aiming to have created 500,000 new jobs and increase oil production by 20 percent. Ahrens, *supra* note 56.

time because of the continued violence of the Templarios.<sup>104</sup> Further, it is not in the best interest of the government to limit the effectiveness of the Autodefensas because the force has consistently demonstrated that they can reduce the Templarios' violence.<sup>105</sup> Thus, the tension persists between the government's interests in limiting Autodefensa activity and the Autodefensa's interest in protecting the people of Michoacán.

#### V. THE FRENCH GENDARMERIE NATIONALE: LA GENDARMERÍA'S INSPIRATION FOR REFORM

La Gendarmería should more closely model the French Gendarmerie Nationale (French Gendarmerie) in order to reduce violence in Mexico.<sup>106</sup>

##### A. Mexico's Partial Adoption of the French Gendarmerie Nationale

When considering the structure of La Gendarmería, the French Gendarmerie primarily influenced the Mexican government. The French Gendarmerie is France's equivalent to Mexico's Gendarmería force.<sup>107</sup> In January of 2013, Jean Marc Ayrault (Ayrault), the Prime Minister of France, confirmed that the French government would support the implementation of La Gendarmería.<sup>108</sup> Ayrault also confirmed President Nieto's interest in modeling La Gendarmería after the French Gendarmerie.<sup>109</sup>

104. *Autodefensas de Michoacán Vuelven a Tomar Las Armas*, *supra* note 14. Jorge Vázquez Valencia, fundador y vocero de las autodefensas en Aguililla, stressed the people's lack of patience because "Han pasado suficientes días desde que le dimos el ultimátum al gobierno y muchos más de que le entregamos documentación explicándole quiénes eran estas gentes" [Enough days have passed since we stipulated an ultimatum to the government and many more days since we provided them with documentation about who the culprits are]. *Id.*

105. Watson, *supra* note 43. Essentially, the government is asking that the citizens of Michoacán to trust that La Gendarmería will successfully reduce crime in Michoacán. Absent reductions in violence, the people of Michoacán are reluctant to trust the government.

106. This part will address how the French Gendarmerie primarily influenced La Gendarmería. Despite this influence, La Gendarmería would benefit from further modeling its force after the French Gendarmerie. By further adopting aspects of the French Gendarmerie, La Gendarmería could be in a better position to reduce the violence in Mexico. The French Gendarmerie presents three possible reforms for La Gendarmería: involvement in the Mexican communities, preemptive crime mechanisms (judicial, administrative, and military), and increase the size of the force.

107. *Asesorará Francia a México en Creación de Policía Nacional*, INFO7 (Jan. 26, 2013, 9:53 PM), <http://www.info7.mx/a/noticia/371897>. The origin of the French Gendarmerie dates back to the 1970s. *Id.*

108. *Id.* Ayrault stated that "Se nos hizo una petición de asesoramiento, y va a ser satisfecha, porque México quiere crear una gendarmería nacional sobre el modelo de la gendarmería nacional francesa" [We received and accepted Mexico's request for our help in creating a Gendarmerie similar to the French.]. *Id.*

109. *Id.* Ayrault stated, "He informado al presidente mexicano que una misión partirá a principios

Structuring La Gendarmería after the French Gendarmerie established a promising foundation for La Gendarmería.<sup>110</sup> However, Mexico's current Gendarmería is not sufficient to reduce violence because it lacks certain infrastructure characteristics that are found in the French Gendarmerie.

*B. Enhancing La Gendarmería: Three Avenues for Reform Suggested by the French Gendarmerie Nationale*

The French Gendarmerie forms an integral part of France's security system because of their substantial involvement in the communities they serve.<sup>111</sup> The force operates in three separate capacities: Judicial, Administrative, and Military.<sup>112</sup> The force also has a mobile unit that is available at the discretion of the government.<sup>113</sup>

A current comparison to the French force demonstrates that the Mexican government is focused on the military responsibility of the French force.<sup>114</sup> La Gendarmería's focus on protecting the economic activity is similar to the French force's Military responsibilities.<sup>115</sup>

The implementation of the French judicial, administrative, and military responsibilities could preemptively identify and prevent potential Templarios violence.<sup>116</sup> In addition to the judicial duties, La Gendarmería

de febrero a México para trabajar sobre ese asunto. . . ." (I have informed the Mexican President of our agreement to help develop a Mexican Gendarmerie. . .).

110. Partlow, *supra* note 23. The structure of the French Gendarmerie will be evaluated in the subsequent portion of this note. Notably, the French force designates a portion of the force to patrol the rural areas in France. *French National Gendarmerie*, <http://www.fiep.org/about-fiep> (last visited Nov. 6, 2014).

111. *French National Gendarmerie*, *supra* note 110. The Gendarmerie is comprised of over 105,000 individuals. *Id.*

112. *Id.* First, the judicial responsibilities include securing the entire French territory in town and the countryside. *Id.* The force secures these territories through investigation in fields such as "drug trafficking, murders, aggravated thefts, financial affairs . . ." *Id.* The judicial sector performs over a quarter of the force. *Id.* Second, the administrative responsibilities include constant surveillance of the areas the force operates in. *Id.* Third, the Military responsibilities of the form include protecting certain activities, such as providing escorts for nuclear weapon transportation. *Id.* The force also accompanies the military when appropriate (peace-keeping United Nations Mission). *Id.*

113. *Id.* The Gendarmerie is able to operate across the country because the members integrate themselves within the community. *Gendarmerie Nationale*, GLOBAL SEC., <http://www.globalsecurity.org/military/world/europe/fr-gendarmerie.htm> (last visited Nov. 6, 2014). The members live in barracks, but serve the community through school visits and community events. *Id.* The involvement with the community has earned the respect of the French citizens who "generally perceive[] the GN to be disciplined, efficient, and fair." *Id.*

114. *See supra* note 112.

115. Rama, *supra* note 1.

116. *Id.* Incorporating the judicial and administrative aspects of the French Gendarmerie into La Gendarmería could vastly reduce violence in Mexico. By taking preventative measures, the La Gendarmería could address the violence in the rural areas of Michoacán. Performing judicial duties

would benefit from implementing administrative duties to constantly provide surveillance of the rural areas in Michoacán.<sup>117</sup> By preventing, surveying, and combating the Templarios (judicial, administrative, and military respectively), La Gendarmería could effectively reduce violence in Michoacán.

However, La Gendarmería will need to increase its size before being capable of performing the judicial, administrative and military duties of the French Gendarmerie.<sup>118</sup> When the force is capable of protecting the citizens, then the tension between the government and the Autodefensas will lessen.<sup>119</sup>

## VI. CONCLUSION

The Mexican Government and the Autodefensas have the same goal, which is to reduce violence.<sup>120</sup> La Gendarmería is the government's solution to lower violence in Mexico.<sup>121</sup> The Autodefensas are the people's solution to lowering violence. In order to reduce the tension with the Autodefensas and earn the respect of the people, the government will need to protect the oppressed people of Michoacán from the Templarios.

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would prompt La Gendarmería to conduct investigations that identify potential threats from the Templarios. For example, if the Templarios were planning on burning down a building, as the Templarios did in Apatzingán, then La Gendarmería could preemptively stop the violence. León, *supra* note 6.

117. This is similar the Autodefensas' activity when they place checkpoints in towns that have been recovered from the Templarios. Watson, *supra* note 43.

118. Not only is La Gendarmería incapable of performing the three functions, but also its small size renders it incapable of integrating into Mexican communities. The modest size of La Gendarmería in comparison to French force demonstrates that the Government is implementing the force with caution. The Mexican government acted with caution given the nature of previous corrupt police force. Grayson, *supra* note 9.

119. La Gendarmería, as it stands now, is not sufficient to protect the citizens of Michoacán from the Templarios.

120. However, tension between both sides arises from the government's inability to protect the citizens of Michoacán.

121. La Gendarmería's focus on protecting economic activity does not ensure the protection of Michoacán citizens from the dominant Templarios. If the government continues to leave the citizens unprotected from the Templarios, the Autodefensas will continue persevere.

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